

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a vegetable meal, salt, charcoal, ferrous sulphate, and small amounts of nux vomica, quassia, and worm seed.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 17, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9638. Misbranding of butter. U. S. * * * v. Beatrice Creamery Co., a Corporation. Plea of guilty. Fine, \$80 and costs. (F. & D. No. 12793. I. S. Nos. 6759-r, 7574-r, 7575-r, 8851-r.)

On January 21, 1921, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Beatrice Creamery Co., a corporation, Dubuque, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 25, September 8, and September 9, 1919, respectively, from the State of Iowa into the State of Illinois, of quantities of butter which was misbranded.

Examination of samples of the article taken from each of the consignments, by the Bureau of Chemistry of this department, showed that the average net weight was 15.49 ounces, 15.55 ounces, 15.74 ounces, and 15.75 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the respective statements, to wit, "One Pound," "Contents 1 Lb. Net," "One Pound Net," and "1 Lb.," borne on the packages containing the article, regarding the article, were false and misleading in that they represented that each of the said packages contained one pound of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained one pound of the article, whereas, in truth and in fact, each of the said packages did not contain one pound of the article but did contain a less amount. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 30, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9639. Adulteration of green coffee. U. S. * * * v. 67,193 Pounds * * * of Green Coffee. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15166. I. S. No. 4929-t. S. No. C-3122.)

On July 15, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 67,193 pounds, more or less, of green coffee, at Chicago, Ill., alleging that the article had been shipped from San Francisco, Calif., on May 27, 1921, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy vegetable substance, and for the further reason that it consisted wholly or in part of a decomposed vegetable substance.

On July 22, 1921, the United States attorney having petitioned the court for an order authorizing and directing the condemnation and destruction of the product in that it was of a perishable character, was rapidly deteriorating in quality, and was in a condition to constitute a nuisance at the warehouse where it was stored, it was ordered by the court that the said product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9640. Adulteration and misbranding of gelatin. U. S. * * * v. 1 Barrel of Gelatin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9778. I. S. No. 6076-r. S. No. C-1085.)

On February 26, 1919, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of gelatin, at Pine Bluff, Ark., consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about November 2, 1918, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (barrel) "Technical Gelatine."

Adulteration of the article was alleged in substance in the libel for the reason that glue and an excessive amount of zinc had been mixed and packed with, and substituted wholly or in part for, gelatin. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, zinc, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the statement "Gelatine" was false and misleading, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, since it was purchased by the consignee as "A-1 Gelatine."

On October 2, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9641. Adulteration and misbranding of Daisy dairy feed. U. S. * * * v. 50 Sacks of Daisy Dairy Feed. Decree ordering release of product under bond. (F. & D. No. 10037. I. S. No. 7490-r. S. No. C-1161.)

On April 26, 1919, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 sacks of Daisy dairy feed, at Conway, Ark., consigned by the Sutherland Flour Mills Co., Cairo, Ill., alleging that the article had been shipped from Cairo, Ill., March 21, 1919, and transported from the State of Illinois into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (On tag) "100 Lbs. High Grade Milk Producing Daisy Dairy Feed Made from Ground Corn, Wheat Bran, Wheat Screenings, Alfalfa Meal, Oat Feed and Molasses. Guaranteed analysis protein 13.25%, fat 3.50 %, fibre, 12.50%, carbohydrates, 55%. Sutherland Flour Mills Company, Cairo, Illinois."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and high in fiber had been mixed and packed with, and substituted wholly or in part for, an article containing the percentage of protein, fat, and fiber indicated on the tag.

Misbranding was alleged for the reason that the above-quoted statements on the tag were false and misleading.